

REMARKS

At the time of the Office Action dated July 2, 2004, claims 1-58 were pending in this application. Of those claims, claims 1-6, 13, 19-26, and 39-58 have been rejected. Applicants acknowledge, with appreciation, the Examiner's allowance of claims 7-12, 14-18, and 27-38. Claims 2-4, 6, 10, 13, 19-20, 23, 25, 39-41, 43-44, 47-48, 50-52, 54, and 56-57 have been amended; claims 1, 5, 42, and 46 have been cancelled; and new claim 59 has been added. Applicants submit that the present Amendment does not generate any new matter issue.

On page two of the Office Action, the Examiner objected to the drawings pursuant to 37 C.F.R. § 1.83(p)(5), asserting that feature 15 was not included in Fig. 10. In response, Applicants have amended the specification to clarify that feature 15 is disclosed in Fig. 8. Applicants, therefore, respectfully submit that the imposed objection to the drawings has been overcome and, hence, solicit withdrawal thereof.

On page three of the Office Action, the Examiner objected to the drawings pursuant to 37 C.F.R. § 1.83(p)(5), asserting that features 61, 100, 130, and 132 were shown in the drawings but not described in the specification. Applicants respectfully disagree. Feature 61 is described on page 19, line 25; feature 130 is described on page 25, line 27; and feature 132 is described on page 26, line 6 of the specification. Feature 100 is described in the amended first full paragraph on page 24. Applicants, therefore, respectfully submit that the imposed objection to the drawings has been overcome and, hence, solicit withdrawal thereof.

On page three of the Office Action, the Examiner asserted that the title of the invention was not descriptive. In response, the Title has been changed to --IMAGE PROCESSING APPARATUS, IMAGE PROCESSING METHOD AND RECORDING MEDIUM WITH COLOR IMAGE COMPACTING--.

On page three of the Office Action, the Examiner objected to claim 54 for an informality. In response, Applicants have amended claim 54 per Examiner's suggestion.

CLAIMS 1-3, 20-23, 42-44, 47-48, 54, AND 56-57 ARE REJECTED UNDER THE SECOND PARAGRAPH OF 35 U.S.C. § 112

On page four of the Office Action, the Examiner asserted that the rejected claims are indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

With regard to the first issue raised by the Examiner, Applicants have replaced the phrase "by a pixel" with the phrase "of each pixel." Applicants, therefore, submit that one having ordinary skill in the art would have no difficulty understanding the scope of the amended claims, particularly when reasonably interpreted in light of the written description of the specification.

As to the second issue raised by the Examiner with regard to an asserted lack of antecedent basis for the phrase "drawing command," Applicants have amended claims 3, 20, 44, 48, and 54 to expressly recite a drawing command.

As to the third issue raised with regard to claims 1 and 42, Applicants note that claims 1 and 42 have been cancelled.

With regard to claim 2, the Examiner asserted a lack of antecedent basis for the term "said bit map." By the present Amendment, this term has been deleted. For the reasons stated above, Applicants respectfully solicit withdrawal of the imposed rejection of claims 2-3, 20-23, 43-44, 47-48, 54, and 56-57 under the second paragraph of 35 U.S.C. § 112.

CLAIM 1 IS REJECTED UNDER 35 U.S.C. § 102 AS BEING ANTICIPATED BY MURAKAMI ET AL., U.S. PATENT NO. 5,128,748 (HEREINAFTER MURAKAMI)

Since claim 1 has been cancelled, the rejection of claim 1 based upon Murakami is moot.

CLAIMS 2, 13, AND 19 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON CHIKAUCHI, U.S. PATENT NO. 6,021,257

On page six of the Office Action, the Examiner asserted that one having ordinary skill in the art would have been motivated to modify Chikauchi to arrive at the claimed invention. This rejection is respectfully traversed.

Independent claims 2 and 19, as amended, recite that a color number compacting means compacts color image data and determines a representative color. Specifically, the color image data is compacted by clustering pixels within a specific area according to color information from each pixel, and the representative color is determined from the clustered pixel group. On page 6 of the Office Action, the Examiner referred to Fig. 4 and column 8, lines 8-43 of Chikauchi and

asserted that features 203 and 204 are "for deciding on at least one kind of representative color by compacting color data of said image." Applicants respectfully disagree.

As described in column 7, lines 5-36 of Chikauchi, a data discrimination section 106 generates a color control command from print data (i.e., image data) received from the OS 102 by referring to a specific data item stored in the area defining section 104. Thus, Chikauchi processes image data illustrated by the drawing command, and Chikauchi does not process bitmap data in the same manner recited in claims 2 and 19. Notwithstanding the Examiner referring to features 203 and 204 of Chikauchi to teach color image data compacting and determining a representative color, a review of the passage cited by the Examiner fails to yield where Chikauchi discloses the compression of color data and the determination of representative color. Although the Examiner states that by selecting a specific color from the color table "a representative color is found," the "representative color" of the present invention is a specific color determined based on a plurality of bit (dot) colors. Thus, Chikauchi fails to teach or suggest the claimed invention. Applicants, therefore, respectfully solicit withdrawal of the imposed rejection of claims 2, 13, and 19 under 35 U.S.C. § 103 for obviousness based upon Chikauchi. Newly added claim 59 depends upon claim 19 and is patentable over the applied prior art at least for the reasons that claim 19 is patentable.

CLAIMS 3-6, 20-26, AND 39-58 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS

BASED UPON CHIKAUCHI IN VIEW OF MURAKAMI

On pages seven through twenty-seven of the Office Action, the Examiner concluded that one having ordinary skill in the art would have been motivated to modify Chikauchi in view of Murakami to arrive at the claimed invention. This rejection is respectfully traversed.

Independent claims 3-4, 20, 43-44, 47-48, 53, and 56, as amended, recite that color image data is compacted and a representative color is determined. In the statement of the rejection the Examiner asserted that features 203 and 204 of Chikauchi teach or suggest these limitations. However, for the reasons previously discussed in response to the 35 U.S.C. § 103 rejection based Chikauchi, Applicants submit that Chikauchi fails to teach or suggest these limitations. Murakami also fails to teach or suggest these limitations. Thus, even if the applied prior were combined in the manner suggested by the Examiner, the claimed invention, as recited in independent claims 3-4, 20, 43-44, 47-48, 53, and 56, would not result.

In the statement of the rejection, the Examiner referred to Fig. 2 and column 6, lines 28-36 of Murakami to teach the generation of an outputting image by color processing on color data of a command image on the basis of color palette information given to the bits belonging to a region specified by a drawing command.

In Murakami, the data that is obtained from a scanner is processed in units of pixels. The data per pixel, which is converted from RGB color signals to brightness data and then to color difference signals, is then outputted. As shown in Fig. 22 and described in column 28, line 55

through column 29, line 47, the binary image area, such as characters and graphics, are discriminated from the half-tone image, area such as photos, by whether or not the brightness difference between pixels are within a specific threshold value.

In contrast, as recited in independent claims 3-4, 20, 44, 48, 54, and 57, if two types of images (image data of drawing command and image data of bitmap) exist on the same data, the data is divided into two, after which, each set of divided data is then processed. The area including the area of drawing command and the area of bitmap image can also be separated from each other. The "discrimination unit 100" of Murakami only separates a color domain or a monochrome domain or separates a character domain or a photo domain. Accordingly, this teaching of Murakami is different from the object image separating means/process of the present invention. Furthermore, the "data discrimination section 106" of Chikauchi only extracts an area including a specific form from an image data created by a drawing command, and this teaching is also different from the object image separating means/process of the present invention. Thus, even if the applied prior were combined in the manner suggested by the Examiner, the claimed invention, as recited in independent claims 3-4, 20, 44, 48, 54, and 57, would not result.

Applicants, therefore, respectfully solicit withdrawal of the imposed rejection of claims 3-4, 6, 20-26, and 38-41, 43-45, 47-58 under 35 U.S.C. § 103 for obviousness based upon Chikauchi in view of Murakami.

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the

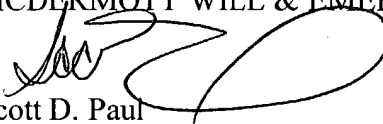
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prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417, and please credit any excess fees to such deposit account.

Respectfully submitted,

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